



Code Office

NOV 29 2021

Received

48/12-1

TOWN OF HARPSWELL
SHORELAND USE APPLICATION

(CEO APPROVAL STICKER)	COMMENTS OR CONDITIONS OF APPROVAL:
(FLOOD PLAIN APPROVAL STICKER)	NAME & ADDRESS OF CONTRACTOR/BUILDER
	PHONE #

SHORELAND USE PERMITS ARE VALID FOR ONE (1) YEAR FROM THE DATE OF ISSUANCE AND
DO NOT INCLUDE ANY OTHER STATE OR FEDERAL PERMITS.For Office Use Only: Application Received 11/29/21 Permit Fee 42000 Payment Received 11/29/21
Approved By _____PLOT PLANS, DRAWINGS AND ALL OTHER PERTINENT INFORMATION MUST ALSO BE INCLUDED WITH THIS APPLICATION FORM.
INCOMPLETE APPLICATIONS WILL NOT BE REVIEWEDProperty Owner (s) Jonathan & Marjorie D'Elia Phone 203-767-4599Mailing Address 1 High St. Apt #7 Brunswick, ME 04011 Map 48 Lot 72-1 Zone CF1Applicant Name and Address ** Ben Wallace Sr. / Redfish Phone 207-729-0772
50 Holbrook St. Harpswell, ME 04079

**Note: if the applicant is not the owner of the property, a letter of authorization from the owner(s) must accompany this application.

Location or Physical Address of Site: 0 Tondreau Point Rd. Estimated Cost \$23,000-

ACTIVITIES THAT WILL OCCUR TO THE PROPERTY IF THIS PERMIT IS APPROVED

☐ VEGETATION REMOVAL ☐ EARTH MOVING AND/OR FILLING
☒ CONSTRUCT A PIER, DOCK, WHARF OR BRIDGE ☐ INSTALL SEAWALL, RIPRAP OR ANY ACTIVITY
CONDUCTED BELOW THE HIGH WATER MARK ☐ OTHER _____

Project Description Proposed construction of 4'x10' stairs; 6'x16' Fixed
dock, 3'x36' seasonal ramp; 12'x20' seasonal
float with mooringsI UNDERSTAND THAT I MAY NOT START ANY PART OF MY PROJECT WITHOUT FIRST RECEIVING MY PERMIT.
I HEREBY ATTEST THAT THE ABOVE INFORMATION AND ALL SUPPLEMENTAL INFORMATION SUBMITTED WITH THIS
APPLICATION IS CORRECT TO THE BEST OF MY KNOWLEDGE. I HEREBY CERTIFY THAT THE PROPOSED WORK IS
AUTHORIZED BY THE OWNER OF RECORD AND THAT I HAVE BEEN AUTHORIZED BY THE OWNER TO MAKE THIS
APPLICATION AS HIS/HER AUTHORIZED AGENT AND WE AGREE TO CONFORM TO ALL APPLICABLE LAWS OF THIS
JURISDICTION.Applicant Signature [Signature] Date _____

ADDITIONAL PERMITS, APPROVALS AND INSPECTIONS REQUIRED

ARMY CORPS OF ENGINEERS _____ DEP _____ HARBORMASTER _____ PLANNING BOARD _____
BOARD OF APPEALS _____ SELECTMEN _____ OTHER _____

ALL OTHER PERMITS ARE REQUIRED TO BE ON FILE WITH THE CODE ENFORCEMENT OFFICE PRIOR TO THE START OF WORK.

HARPSWELL WHARF APPROVAL

Each applicant who applies for a wharf is required to read, sign and submit this form with a completed application.

When the Harpswell Board of Selectmen gives final approval to a wharf/ramp/float application pursuant to 38 MRSA §1022, **construction cannot begin** until the applicant has met all other legal requirements, which may include, but are not limited to approvals of the:

• **U.S. Army Corps of Engineers,
Department of Environmental Protection,
Submerged Lands Program of the Bureau of Lands and Parks**
as well as relevant property ownership or rights of usage.

I understand as an applicant that I am asserting right, title or interest in the intertidal area, and that the Town, in issuing the permit, has made no judgment as to the accuracy of that claim and therefore, I, as the applicant, assume any and all related risks regarding this claim.

I certify that I will obtain all necessary rights and approvals to construct the wharf system for which I have applied, **before** beginning construction and understand that a false statement may be a violation of 17-A MRSA §456.

All approvals are required to be on file with the Code Enforcement Office prior to the start of work, or a double fee will be imposed.

Date _____

Applicant

Stanley for D'Elia

Map # 48 Lot # 72-1

FLOOD HAZARD DEVELOPMENT PERMIT

For Minor Development

Harpwell, Maine
(For Development not considered a Substantial Improvement)

This Flood Hazard Development Permit allows minor development as provided in Article V.F.3. of the Floodplain Management Ordinance of Harpwell, Maine, for development in a Special Flood Hazard Area as defined in said ordinance. Development authorized by this permit must be adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, be constructed with materials resistant to flood damage and be constructed by methods and practices that minimize flood damage. This permit is issued based on documentation that the information provided in the Flood Hazard Development Permit Application is in compliance with the Floodplain Management Ordinance.

Tax Map: 48 Lot #: 72-1

Project Description: Proposed construction of a small residential dock system

The permittee understands and agrees that:

- The permit is issued on the representations made herein and on the application for permit;
- The permit may be revoked because of any breach of representation;
- Once a permit is revoked all work shall cease until the permit is reissued or a new permit is issued;
- The permit will not grant any right or privilege to erect any structure or use any premises described for any purposes or in any manner prohibited by the ordinances, codes, or regulations of the municipality;
- The permittee hereby gives consent to the Code Enforcement Officer to enter and inspect activity covered under the provisions of the Floodplain Management Ordinance;
- The permit form will be posted in a conspicuous place on the premises in plain view; and,
- The permit will expire if no work is commenced within 180 days of issuance.

I hereby certify that all the statements in, and in the attachments to this permit are a true description of the existing property and the proposed development project.

Owner: _____ Date: _____
Signature

or
Authorized Agent: Belarling for D'Elia Date: _____
Signature

Issued by: _____ Date: _____

Permit #: _____

FLOOD HAZARD DEVELOPMENT APPLICATION

Harpwell, Maine

(All applicants must complete entire application)

[60.3(b)]

Application is hereby made for a Flood Hazard Development Permit as required under Article II of the Floodplain Management Ordinance of Harpwell Maine, for development as defined in said ordinance. This permit application does not preclude the need for other municipal permit applications.

Owner: Jonathan & Marjorie D'Elia

Address: 1 High St. Apt #7

Phone No.: 203-767-4599

Brunswick, ME 04011

Applicant: Ben Wallace Sr./Redfish

Address: 50 Holbrook St.

Phone No.: 207-729-0772

Harpwell, ME 04079

Contractor: Same as applicant

Address: _____

Phone No.: _____

LEGAL DESCRIPTION

Is this part of a subdivision? ☐ Yes ☒ No If yes, give the name of the subdivision and lot number:

Subdivision: _____

Lot #: _____

Tax Map: 48

Lot #: 72-1

Address: 0 Tondreau Pt. Rd.
Street/Road Name

Zip Code: Harpwell, ME 04079
Town/Zip Code

General explanation of proposed development: Proposed construction of 4'x10' stairs,
6'x16' dock; 3'x36' seasonal ramp 12'x26' seasonal float

Estimated Value of Proposed Development: \$ 23,000- with moorings

Proposed Lowest Floor elevation [for new or substantially improved structure]: 0.0

OTHER PERMITS

Are other permits required from State or Federal jurisdictions?
If yes, are these other permits attached?

☒ Yes ☐ No

☒ Yes ☐ No

☐ Not Applicable

sent electronically
to E-mail

Federal and State Permits may include but are not limited to: ME/DEP/Natural Resource Protection Act, Site Location of Development Act, Metallic Mineral Exploration, Advanced Exploration and Mining; USACE/Section 9 & 10 of the Rivers and Harbors Act; Section 404 of the Clean Water Act; Federal Energy Regulation Commission.

SEWER AND WATER

Sewage Disposal:

☐ Public

☐ Private

☐ Existing

☐ Proposed

☒ Not Applicable Type _____

Water Supply:

☐ Public

☐ Private

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APPENDIX A - MDEP VISUAL EVALUATION
FIELD SURVEY CHECKLIST

(Natural Resources Protection Act, 38 M.R.S. §§ 480 A - Z)

Name of applicant: Jonathan D'Elia Phone: CALL Agent Ben Wallace Sr.

Application Type: NRPA

Activity Type: (brief activity description) Proposed construction of small residential dock system

Activity Location: Town: Harpwell County: Cumberland

GIS Coordinates, if known:

Date of Survey: 8/13/21 Observer: Ben Wallace Sr. Phone: 207-729-0772

Distance Between the Proposed Visibility Activity
and Resource (in Miles)

- | | 0-1/4 | 1/4-1 | 1+ |
|------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-----------------------------------------|----------------------------------------|
| I. Would the activity be visible from: | | | |
| A. A National Natural Landmark or other outstanding natural feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| B. A State or National Wildlife Refuge, Sanctuary, or Preserve or a State Game Refuge? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| C. A state or federal trail? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| D. A public site or structure listed on the National Register of Historic Places? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| E. A National or State Park? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| F. 1) A municipal park or public open space? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2) A publicly owned land visited, in part, for the use, observation, enjoyment and appreciation of natural or man-made visual qualities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3) A public resource, such as the Atlantic Ocean, a great pond or a navigable river? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. What is the closest estimated distance to a similar activity? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. What is the closest distance to a public facility intended for a similar use? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. Is the visibility of the activity seasonal?
(i.e., screened by summer foliage, but visible during other seasons) | | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 5. Are any of the resources checked in question 1 used by the public during the time of year during which the activity will be visible? | | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

(blue)

**APPENDIX B: MDEP COASTAL WETLAND CHARACTERIZATION:
INTERTIDAL & SHALLOW SUBTIDAL FIELD SURVEY CHECKLIST**

NAME OF APPLICANT: Jonathan Xelia PHONE: Call Agent Ben Wallace Sr.
APPLICATION TYPE: NRPA

ACTIVITY LOCATION: TOWN: Harperswell COUNTY: Cumberland

ACTIVITY DESCRIPTION: ☐ fill ☒ pier ☐ lobster pound ☐ shoreline stabilization
☐ dredge ☐ other: _____

DATE OF SURVEY: 8/13/21 OBSERVER: Ben Wallace Sr.

TIME OF SURVEY: 10:30 Am TIDE AT SURVEY: Low

SIZE OF DIRECT IMPACT OR FOOTPRINT (square feet):

Intertidal area: 4' pilings Subtidal area: _____

SIZE OF INDIRECT IMPACT, if known (square feet): _____

Intertidal area: _____ Subtidal area: 240' float 40' part of ramp

HABITAT TYPES PRESENT (check all that apply):

☐ sand beach ☒ boulder/cobble beach ☐ sand flat ☐ mixed coarse & fines ☐ salt marsh
☒ ledge ☒ rocky shore ☐ mudflat (sediment depth, if known: _____)

ENERGY: ☒ protected ☐ semi-protected ☐ partially exposed ☐ exposed

DRAINAGE: ☒ drains completely ☐ standing water ☐ pools ☐ stream or channel

SLOPE: ☐ >20% ☐ 10-20% ☐ 5-10% ☐ 0-5% ☒ variable

SHORELINE CHARACTER:

☐ bluff/bank (height from spring high tide: _____) ☐ beach ☐ rocky ☒ vegetated

FRESHWATER SOURCES: ☐ stream ☐ river ☐ wetland ☒ stormwater

MARINE ORGANISMS PRESENT:

	absent	occasional	common	abundant
mussels	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
clams	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
marine worms	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
rockweed	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
eelgrass	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
lobsters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SIGNS OF SHORELINE OR INTERTIDAL EROSION? ☒ yes ☐ no

PREVIOUS ALTERATIONS? ☐ yes ☒ no

CURRENT USE OF SITE AND ADJACENT UPLAND:

☐ undeveloped ☒ residential ☐ commercial ☐ degraded ☐ recreational

PLEASE SUBMIT THE FOLLOWING:

☒ Photographs ☒ Overhead drawing

Natural Resource Protection Act Application
APPENDIX D: Project Description Worksheet for a Dock, Pier or Wharf Application.

Help us process your application more efficiently by completing this worksheet, which is supplemental to a NRPA application for a dock, pier or wharf. A completed Appendix D may be substituted for Block 14 of the application page.

THIS IS AN APPLICATION FOR A.....

- ☐ Commercial wharf
If yes, indicate type of commercial activity: _____
License number: _____
Number of fishermen using this wharf: _____
- ☐ Public pier, dock or wharf
- ☐ Common or shared recreational pier, dock or wharf
- ☒ Private recreational pier, dock or wharf
- ☐ Expansion or modification of an existing structure
- ☐ Other, please indicate: _____

TELL US ABOUT YOUR BOAT....

My boat(s) requires a draft of 1 feet.
My boat(s) is 24 feet long. plus 2 Hobie fishing kayaks

TELL US ABOUT YOUR PROJECT SITE.... For coastal piers and wharves, please complete Appendix B of the NRPA application. For freshwater docks, please describe the substrate and any vegetation: _____

SCENIC CONSIDERATIONS... Please complete Appendix A of the NRPA application.

DONE

WHAT FACILITIES ARE NEARBY?

The nearest public boat launch is located in Harpwell approximately 4-6 miles from the project location.
(town) (distance)

The nearest public, commercial, or private marina is located in Harpwell approximately 1 miles from the project location.
(distance) (town)

- ☐ I have inquired about slip or mooring availability at the nearest marina or public facility.
- ☐ Yes, a slip or mooring is available. ☒ No, a slip or mooring is not available.
Approximate expected time on waiting list: 2 years
- ☒ I have contacted the local Harbor Master.

Name: Paul Plummer Phone: 833-5771

I currently use the following for my boat: ☐ Mooring ☐ Marina
neither new purchase

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TELL US ABOUT YOUR PROPOSED PIER, DOCK OR WHARF...

MATERIALS:

- ☒ The structure will be supported by pilings.
4 pilings of 8 inches in diameter
- ☐ The structure will be supported by stacked, flow-through granite cribs.
_____ blocks, measuring _____ feet by _____ feet
- ☐ The structure will be supported by solid fill.
_____ square feet of solid fill
- ☐ Other: _____

DIMENSIONS:

Length of fixed section: 16 feet
Width of fixed section: 6 feet
Length of ramp: 36 feet
Dimensions of float: 12 feet wide by 20 feet long
Distance the structure will extend below mean low water (MLW): 22 feet
Depth of water at the fixed end of the structure: 2 feet
Depth of water at the float at low tide: 4-6 feet
Depth of water at the float at high tide: 16 feet
Dimensions of any proposed buildings (e.g. bait shed):
_____ feet high by 10/17 feet wide by _____ feet long

float + part of ramp

ACCESS:

During construction, my project site will be accessed via:

- ☐ Land
- ☐ Beach/intertidal area
- ☒ Water/barge

DEP
Army Corp

RE: Jonathan D'Elia Jobsite
Harpwell Map 48, Lot 72-1

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Activity Description

Proposed construction of a residential dock system. This project will have four components.

1. A 4'x10' set of stairs
2. A 6'x16' fixed dock, supported with pilings
3. A 3'x36' aluminum ramp
4. A 12'x20' float with moorings

Alternate Analysis

The location of the proposed dock was chosen to accommodate the landowners ease of use coupled with the desire to build the least intrusive structure to gain access to the water. This location allows for a set of stairs to access a small dock, an average size ramp and a modest float, which minimizes the impact to the natural habitat.

Construction Details

As stated in Appendix D, the materials will be brought by barge to the jobsite. Work on this project will be between tides, from half tide, through low tide, and halfway back to high tide. The contractor begins construction of the dock at the upland side, pilings and bracing first, then the decking, then the railing posts. Each of the pilings will be set on a one inch by 16 inch steel ledge pin and each head timber will attach to a ledge anchor with 3/8" chain. The seasonal ramp and float are built off site and brought to the jobsite by barge. The seasonal ramp will be placed on the dock for winter storage and the seasonal float will be trailered for winter storage.

The stairs will be no steeper than 7" of rise in 9". Stair sides will be 2"x10" with 2"x4" stiffeners. Rail and support posts will be 4"x4".

For this project all wood will be Pressure Treated Southern Yellow Pine. All bolts, nails, chains, and anchors will be galvanized steel.

Erosion Control

There will be very minimal soil disturbance to the intertidal area during construction of the dock. The contractor does not break through the soil, by digging a hole; he drives the piling to the point of resistance compressing the soil. The same principle is applied when building the stairs and walkways. The steps are built along the slope of the land, not into the soil. **Therefore, there will be no trees > 3" cut for this proposed construction.**

All materials and tools come by barge and stay on the barge. There is foot traffic only on the beach and the intertidal area. No activity or materials are brought across the upland. The contractor recognizes that any fixed structure has an impact on the environment. Because of this he always proposes the minimum structure necessary to get the landowners over the substrate and limit the area of impact.

Site Condition

Ben Wallace has more than 30 years' experience with dock building and deciphering the wetlands. He always fills out the Appendix B. He additionally states there is no Eel grass or Marsh grass that will be disturbed.

WARRANTY DEED

KEVIN S. FRANCHETTI AND ELLEN K. FRANCHETTI

of 303 Scribner Hill Road, Manchester, ME 04351

for consideration paid, grants to


JONATHAN D'ELIA AND MARJORIE D'ELIA


of 109 Grover Street, bridgeport, CT 06605, as joint tenants and not as tenants in common, with WARRANTY COVENANTS, the following described real property in Harpswell, County of Cumberland and State of Maine:

See Exhibit A attached hereto and made a part hereof

Also hereby conveying all rights, easements, privileges, and appurtenances, belonging to the premises hereinabove described.

WITNESS our hands and seals this 9th day of November, 2020.






Kevin S. Franchetti


Ellen K. Franchetti

State of Maine
Sagadahoc, ss.

November 9, 2020

Personally appeared before me the above-named Kevin S. Franchetti and Ellen K. Franchetti and acknowledged the foregoing instrument to be their free act and deed.

Before me,



Gerald B. Schofield, Jr., Attorney-at-Law 4454

H-DELIA

EXHIBIT A

A certain lot or parcel of land situated on the westerly side of a thirty-three (33') foot wide right of way known as Tondreau Point Road in the Town of Harpswell, County of Cumberland and State of Maine, being more particularly described as follows:

Beginning at a point on the easterly sideline of Orr's Cove at a point which is South seven degrees, four minutes, forty-four seconds West (S 07° 04' 44" W), a distance of two hundred and fifty-eight hundredths (200.58') feet from the southwesterly corner of land now or formerly of Scott and Louann Dalton (Deed Reference: Book 13787, Page 02).

Thence South eighty-seven degrees, zero minutes, zero seconds East (S 87° 00' 00" E), a distance of three hundred thirty (330.00') feet, more or less, to a point on the westerly sideline of the said Tondreau Point Road.

Thence in a southerly direction along the westerly sideline of the said Tondreau Point Road a distance of two hundred ten (210.00') feet to a point;

Thence North eighty-seven degrees, zero minutes, zero seconds West (N 87° 00' 00" W), a distance of two hundred sixty (260.00') feet, more or less, to a point on the easterly sideline of said Orr's Cove;

Thence in a northerly direction along said easterly sideline of said Orr's cove, a distance of two hundred (200.00') feet to the point of beginning.

Containing 1.4 acres, more or less.

Also intending to convey all land between the high water mark and the low water mark along Orr's Cove, if not already covered by the specific description above.

Subject to and with the benefit of a right of way and easement for all purposes for which a public way may now or in the future be used, including ingress and egress and the installation of above ground and below ground utilities, wires, cables and conduits of all types, including utility poles, together with the right to maintain and improve the same, from State Route 24 and through the above described premises on and along and within the right of way as shown on plan of Standard Boundary Survey for Andre J. Deschaies and David L. Tondreau dated March 8, 1993 and recorded in the Cumberland County Registry of Deeds in Book 94, Page 237 as "Existing gravel road Easement #1" and APPROXIMATE LOCATION OF PROPOSED 33' PRIVATE R/W" in common with all other lots or parcels of land as shown on said survey which are served by said rights of way.

Subject to a right of way or easement for foot and vehicular access from Lot 5B along the "old Tondreau Point Road" across Lot 6A to the above referenced 33' right of way.

Subject to an easement for the benefit of land on the easterly side of the Tondreau Point Road. This easement is twenty-five (25') feet wide and is immediately adjacent to and northerly of the

most southerly boundary line of the above conveyed premises, and it runs westerly from the westerly side of the Tondreau Point Road to the waters of Orr's Cove. The easement shall be for access on foot only and for the placement of one or two wharfs, docks or similar structures to ensure full access and enjoyment of the waters of the Atlantic Ocean and of Orr's Cove, including access to any boats moored off shore. The uses of the easement shall be subject to, and in compliance with, all local, state and deferral laws, ordinances, rules and regulations.

These premises are conveyed subject to any easements and restrictions of record and this deed includes all rights, easements, privileges and appurtenances belonging to the premises hereinabove described.

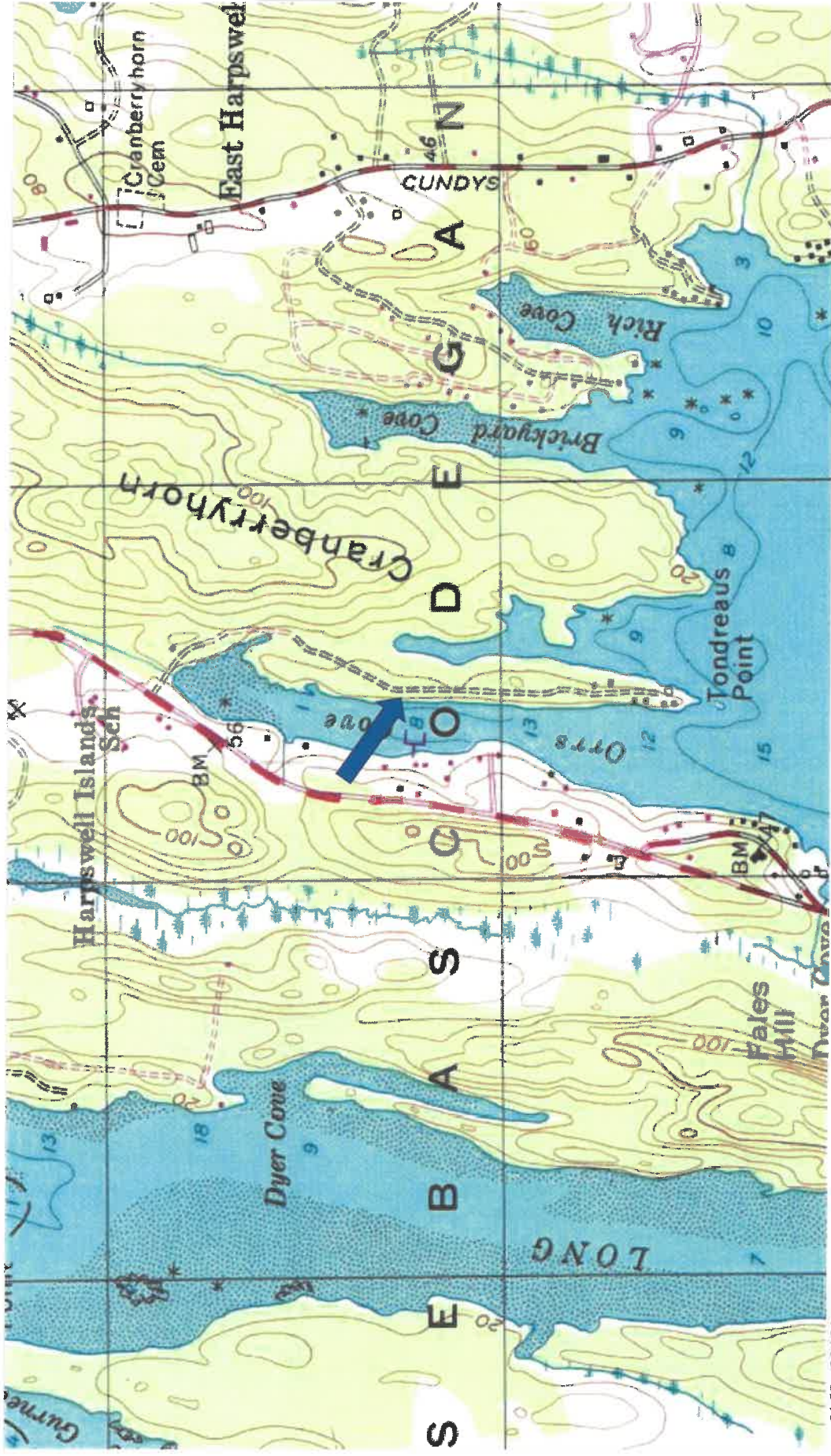
* For source of title see deed From Kevin S. Franchetti to Kevin S. Franchetti and Ellen K. Franchetti dated May 16, 2003 and recorded in Book 19917, Page 86 of the Cumberland County Registry of Deeds.

H-DELLA

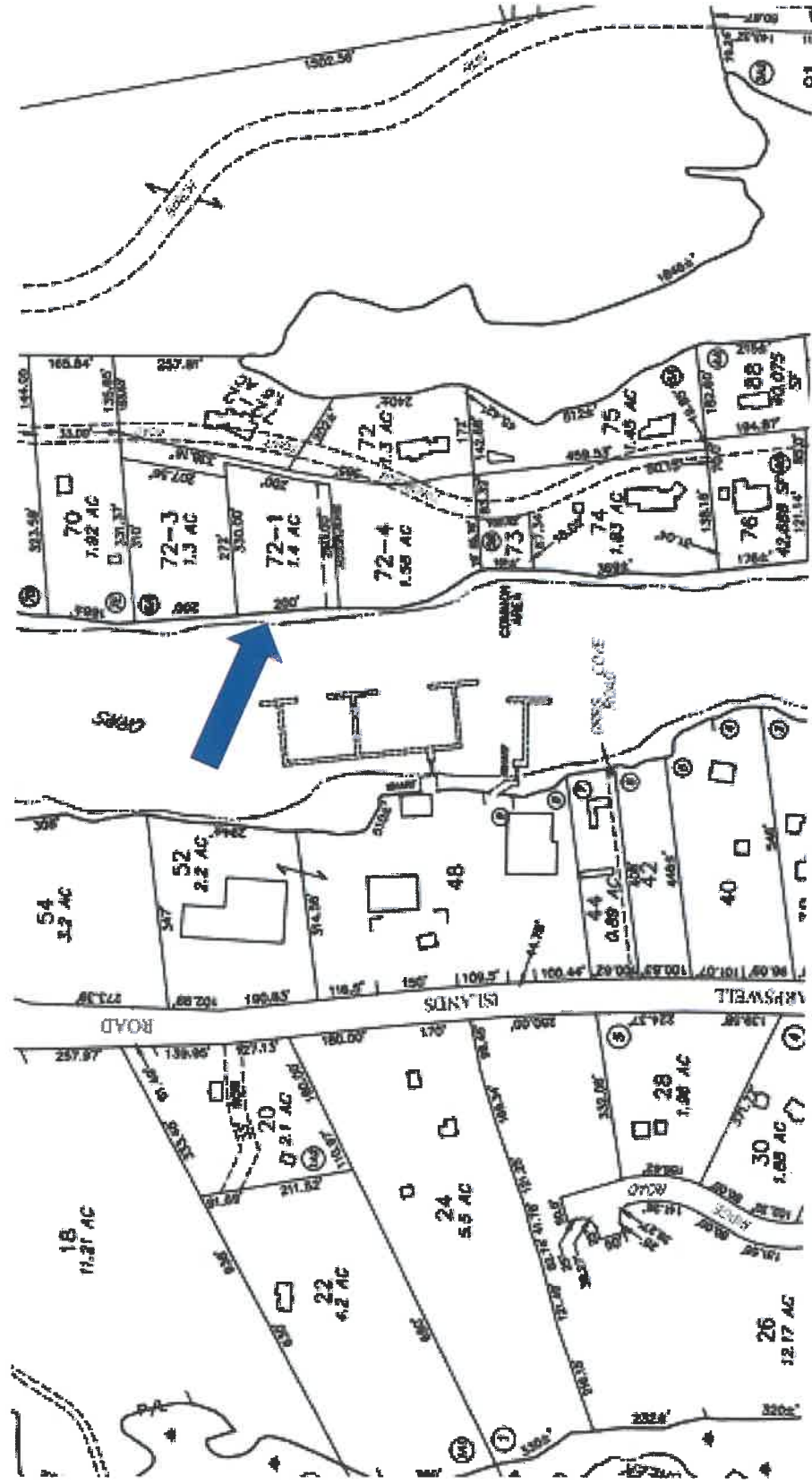
D'Elia Project Site

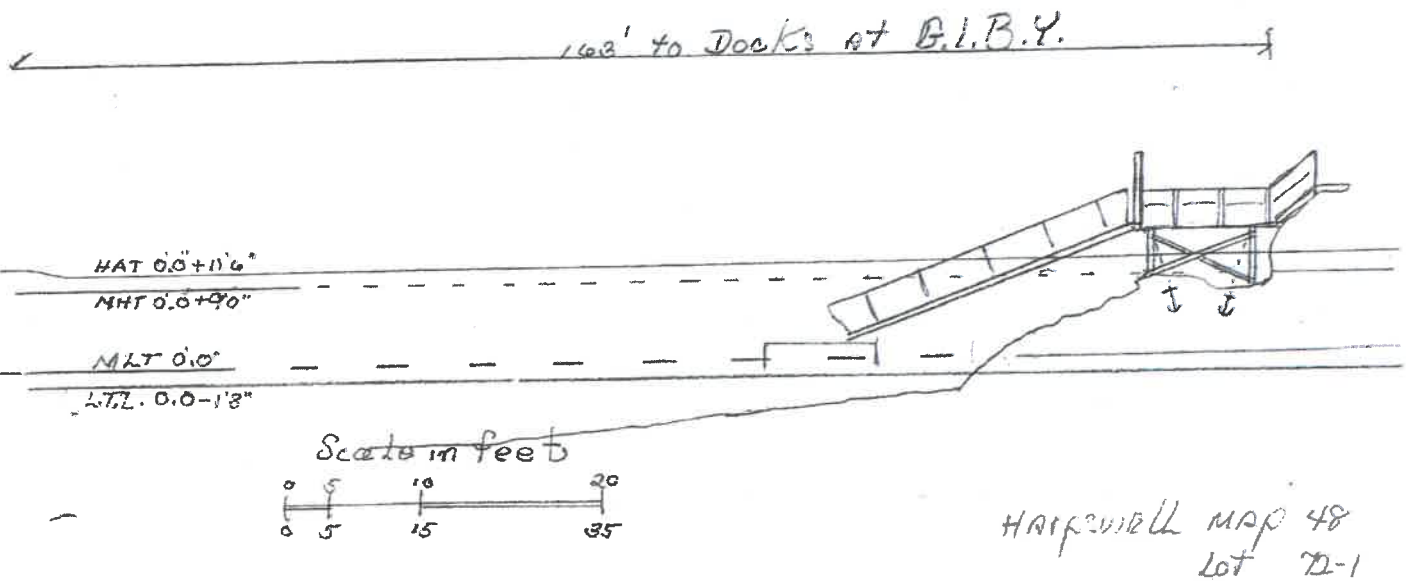
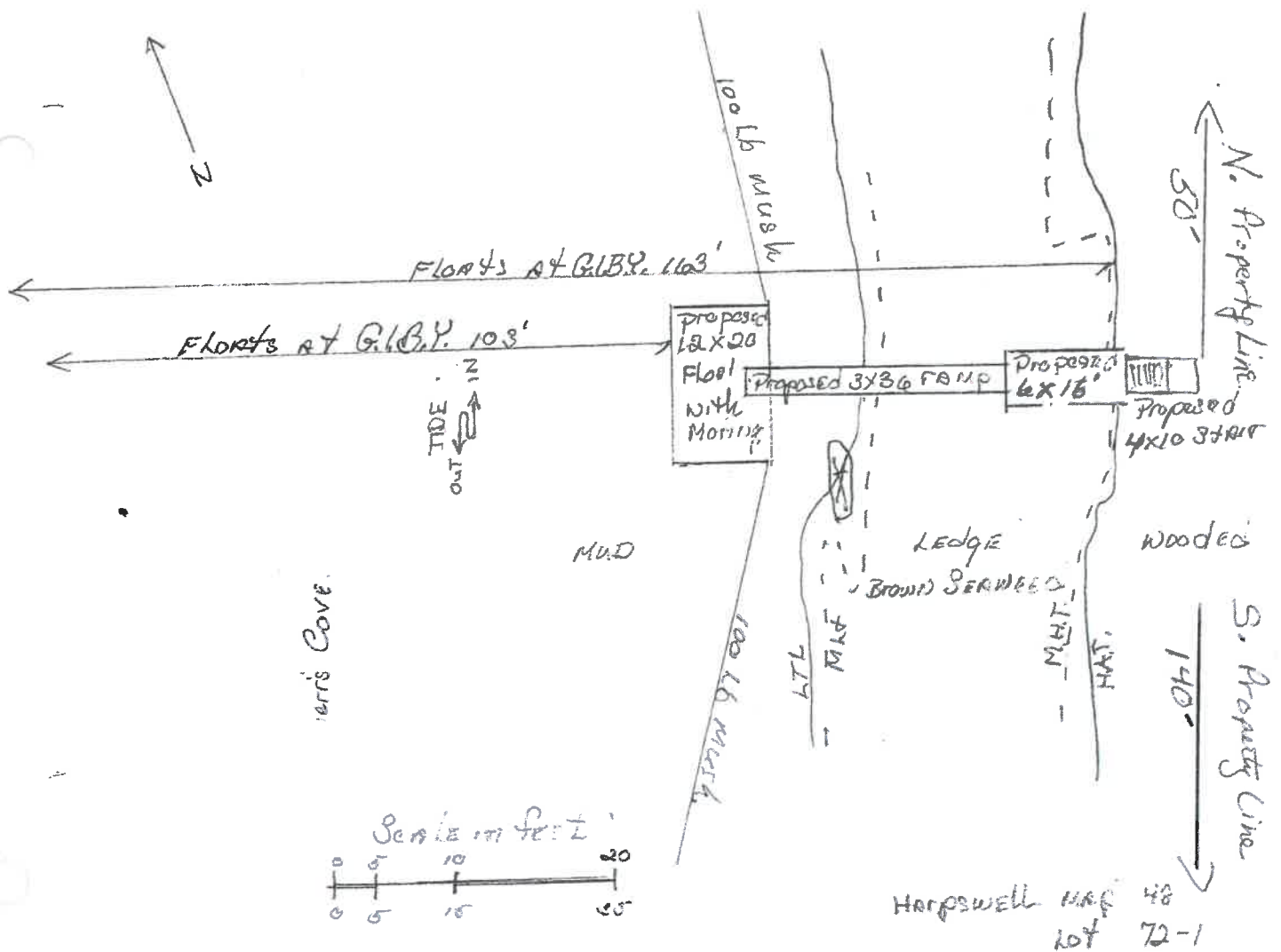
USGS Map

Attachment #3



Attachment #4





D'Elia Project Site Photos

Attachment #6

High Tide



Low Tide



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U.S. Army Corps of Engineers (USACE)
APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT

Received

Form Approved -
OMB No. 0710-0003
Expires: 02-28-2022

33 CFR 325. The proponent agency is CECW-CO-R.

The public reporting burden for this collection of information, OMB Control Number 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR APPLICATION TO THE ABOVE EMAIL.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned. System of Record Notice (SORN). The information received is entered into our permit tracking database and a SORN has been completed (SORN #A1145b) and may be accessed at the following website: <http://dpcl.dod.mil/Privacy/SORNSIndex/DOD-wide-SORN-Article-View/Article/570115/a1145b-ce.aspx>

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
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(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME First - Jonathan Middle - Last - D'Elia Company - E-mail Address -	8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required) First - Benjamin Middle - Last - Wallace Company - Redfish Associates E-mail Address - seaphantom@juno.com (Betsy)
6. APPLICANT'S ADDRESS: Address- 1 High St. Apt 7 City - Brunswick State - ME Zip - 04011 Country - USA	9. AGENT'S ADDRESS: Address- 50 Holbrook St City - Harpswell State - ME Zip - 04079 Country - USA
7. APPLICANT'S PHONE NOS. w/AREA CODE a. Residence b. Business c. Fax call agent	10. AGENTS PHONE NOS. w/AREA CODE a. Residence b. Business c. Fax 729-0722

STATEMENT OF AUTHORIZATION

11. I hereby authorize, _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

SIGNATURE OF APPLICANT

DATE

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions)

13. NAME OF WATERBODY, IF KNOWN (if applicable)
 Orr's Cove

14. PROJECT STREET ADDRESS (if applicable)
 Address 0 Tondreau Point Rd

15. LOCATION OF PROJECT

Latitude: °N Longitude: °W

City - Harpswell State- ME Zip- 04079

OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)

State Tax Parcel ID Map #48 Lot 72-1

Municipality Harpswell

Section -

Township -

Range -

17. DIRECTIONS TO THE SITE

n/u Rte 24S for 4.8 miles. Turn left onto Tondreau Point Rd. Project will be on the right.

18. Nature of Activity (Description of project, include all features)

Proposed construction of 4'x10' stairs, a 6'x16' fixed dock, 3'x36' ramp and a 12'x20' float with moorings.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

To gain safe access to the water.

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type Amount in Cubic Yards	Type Amount in Cubic Yards	Type Amount in Cubic Yards
-------------------------------	-------------------------------	-------------------------------

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres
or
Linear Feet

23. Description of Avoidance, Minimization, and Compensation (see instructions)

24. Is Any Portion of the Work Already Complete? ☐ Yes ☒ No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address- See Attached List of Abutters

City - State - Zip -

b. Address-

City - State - Zip -

c. Address-

City - State - Zip -

d. Address-

City - State - Zip -

e. Address-

City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
Town of Harpswell	Land Use Permit		11/15/2021		
DEP	NRPA		11/15/2021		

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT

DATE

Betsy Darling

Digitally signed by Betsy Darling
Date: 2021.11.17 23:04:50 -05'00'

SIGNATURE OF AGENT

2021-11-17

DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

PUBLIC NOTICE FILING AND CERTIFICATION

Department Rules, Chapter 2, require an applicant to provide public notice for all Tier 2, Tier 3 and individual Natural Resources Protect Act projects. In the notice, the applicant must describe the proposed activity and where it is located. "Abutter" for the purposes of the notice provision means any person who owns property that is BOTH (1) adjoining and (2) within one mile of the delineated project boundary, including owners of property directly across a public or private right of way.

1. **Newspaper:** You must publish the Notice of Intent to File in a newspaper circulated in the area where the activity is located. The notice must appear in the newspaper within 30 days prior to the filing of the application with the Department. You may use the attached Notice of Intent to File form, or one containing identical information, for newspaper publication and certified mailing.
2. **Abutting Property Owners:** You must send a copy of the Notice of Intent to File by certified mail to the owners of the property abutting the activity. Their names and addresses can be obtained from the town tax maps or local officials. They must receive notice within 30 days prior to the filing of the application with the Department.
3. **Municipal Office:** You must send a copy of the Notice of Intent to File and a **duplicate of the entire application** to the Municipal Office.

ATTACH a list of the names and addresses of the owners of abutting property.

CERTIFICATION

By signing below, the applicant or authorized agent certifies that:

5. A Notice of Intent to File was published in a newspaper circulated in the area where the project site is located within 30 days prior to filing the application;
6. A certified mailing of the Notice of Intent to File was sent to all abutters within 30 days of the filing of the application;
7. A certified mailing of the Notice of Intent to File, and a duplicate copy of the application was sent to the town office of the municipality in which the project is located; and
8. Provided notice of and held a public informational meeting, if required, in accordance with Chapter 2, Rules Concerning the Processing of Applications, Section 13, prior to filing the application. Notice of the meeting was sent by certified mail to abutters and to the town office of the municipality in which the project is located at least ten days prior to the meeting. Notice of the meeting was also published once in a newspaper circulated in the area where the project site is located at least seven days prior to the meeting.

The Public Informational Meeting was held on N/A
Date

Approximately N/A members of the public attended the Public Informational Meeting.


Signature of Applicant or authorized agent

11/12/21
Date

Jonathan and Marjorie D'Elia

1 High St. Apt 7

Brunswick, ME 04011

Phone: 203767-4599

Email: jwdelia@gmail.com

July 29, 2021

To Whom it Concerns:

I Jonathan D'Elia, owner of property at Lot 0, Tondreau Point Rd, Harpswell, ME 04079. Tax Map #48 Lot #72-1, do hereby authorize Ben or Norman Wallace of Red Fish & Associates Inc. or Betsy Darling to act as my agent with respect to obtaining permits for the building of a residential dock, ramp, and float system on my property.

JWD'Elia

Jonathan W D'Elia

Name

1 High St, Apt 7

Address

Brunswick, ME 04011

City/State/Zip Code

Redfish & Associates, Inc.

Benjamin Wallace, Sr.
50 Holbrook Street
Harpwell, ME 04079
Phone (207) 729-0772

Code Office
NOV 18 2021
Received

November 15, 2021

Town of Harpswell
DEP
Army Corp

RE: Letter of Justification
Jonathan and Marjorie D'Elia Jobsite Map #48 Lot #72-1

The Town of Harpswell has limited public access to the ocean for pleasure boating. The areas that are available are limited with their facilities. For example, the closest location is the Great Island Boatyard, but it is very congested with limited access and a 2-year waiting list. The next closest option is 4.1 miles away at the Orr's Island Bridge which has very limited space for parking and is frequently congested with vehicles belonging to commercial fishermen. In addition, there is no space to bring in a boat trailer, let alone trying to find a space to leave it without causing more congestion problems. Any other location is more than 6 miles away with similar issues.

Anyone who is familiar with Harpswell is well aware of this ongoing problem. Shorefront owners want their own accessibility to the water in front of their homes. These are the fortunate ones. They can have access to the shore and water at their leisure. We still have thousands of residents in Harpswell, who are landlocked, no access to water, except at the limited public access points, with lack of adequate parking. Therefore, those who have shore property and the means to procure a residential dock system, would like to be able to do so. They would like the opportunity to enjoy their location more fully. The proposed construction of a modest, private, residential dock system would enable them to do just that, as well as have the opportunity to entertain other boating friends, by water.

Sincerely,

Mrs. Darling
Redfish & Associates, Inc.

D'Elia Jobsite Abutters

Map #48 Lot #72

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.33

Postmark
Here

Sent To Travis & Elizabeth Good
Street, Apt. No.,
or PO Box No. 3346 Primrose Willow Dr
City, State, ZIP+4 Harmony, FL 34773

PS Form 3800, June 2002

See Reverse for Instructions

Map #48 Lot #72-4

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.33

Postmark
Here

Sent To Dirk Lesko
Street, Apt. No.,
or PO Box No. 102 Tondreau Point Rd
City, State, ZIP+4 Harpswell, ME 04079

PS Form 3800, June 2002

See Reverse for Instructions

Map #48 Lot #72-3

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.33

Postmark
Here

Sent To Gail Reed Trustee
Street, Apt. No.,
or PO Box No. 4101 Elmer Ave
City, State, ZIP+4 Studio City, CA 91602

PS Form 3800, June 2002

See Reverse for Instructions

Map #48 Lot #72-2

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.33

Postmark
Here

Sent To David & Susan Kertzer
Street, Apt. No.,
or PO Box No. 89 Tondreau Point Rd
City, State, ZIP+4 Harpswell, ME 04079

PS Form 3800, June 2002

See Reverse for Instructions

November 15, 2021

Mr. Kirk Mohny
Maine Historic Preservation Commission
State House Station 65
Augusta, Maine 04333-0065

RE: U.S. Army Corps of Engineers, Maine General Permit

Application to install and maintain a set of 4'X10' set of stairs over the upland to a 6'X16' piling supported dock with a 3'X36' seasonal ramp and a 12'X20' seasonal float with moorings, below the mean high water line of Orr's Cove, off 0 Tondreau Point Road, Tax Map#48 Lot#72-1 in Harpswell, Maine.

Dear Mr. Mohny,

Please see the attached copy of the project location map, photographs, and application form for your review.

If you have any questions or concerns with this project, please feel free to contact me directly by email: seaphantom@juno.com

Sincerely,

Betsy Darling

Cc: Kendyl Reis, Aroostook Band of Micmacs
Donald Soctomah, Passamaquoddy Tribe of Indians, PPR
Issac St. John, Houlton Band of Maliseets Indians
Chris Sockalexis, Penobscot Nation
Donald Soctomah, Passamaquoddy Tribe of Indians, IPR

08/08

**PUBLIC NOTICE:
NOTICE OF INTENT TO FILE**

Please take notice that

Jonathan + Marjorie D'Elia ph#203-767-4399
1 High Street Apt #7 Brunswick, ME 04011
(Name, Address and Phone # of Applicant)

is intending to file a Natural Resources Protection Act permit application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S.A. §§ 480-A thru 480-BB on or about

November 6, 2021
(anticipated filing date)

The application is for

Residential 6'x16' Fixed dock, 3'x36' ramp
and 12'x20' float with moorings
(description of the project)

at the following location:

0 Tondreau Point Road
(project location)

A request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction over this application must be received by the Department in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the processing of the application.

For Federally licensed, permitted, or funded activities in the Coastal Zone, review of this application shall also constitute the State's consistency review in accordance with the Maine Coastal Program pursuant to Section 307 of the federal Coastal Zone Management Act, 16 U.S.C. § 1456. (Delete if not applicable.)

The application will be filed for public inspection at the Department of Environmental Protection's office in (Portland, Augusta or Bangor) (circle one) during normal working hours. A copy of the application may also be seen at the municipal offices in Harpwell, Maine.
(town)

Written public comments may be sent to the regional office in Portland, Augusta, or Bangor where the application is filed for public inspection:

MDEP, Central Maine Regional Office, 17 State House Station, Augusta, Maine 04333
MDEP, Southern Maine Regional Office, 312 Canco Road, Portland, Maine 04103
MDEP, Eastern Maine Regional Office, 106 Hogan Road, Bangor, Maine 04401

Department of Environmental Protection
Bureau of Land & Water Quality
17 State House Station
Augusta, Maine 04333
Telephone: 207-287-7688

FOR DEP USE

ATS # _____

L- _____

Total Fees: _____

Date: Received _____

APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

→ PLEASE TYPE OR PRINT IN BLACK INK ONLY

1. Name of Applicant:		Jonathan & Marjorie D'Elia		5. Name of Agent:		Ben Wallace Sr/ Redfish							
2. Applicant's Mailing Address:		1 High St. Apt 7, Brunswick, ME 04011		6. Agent's Mailing Address:		50 Holbrook St, Harpswell, ME 04079							
3. Applicant's Daytime Phone #:		Call Agent		7. Agent's Daytime Phone #:		207-729-0772							
4. Applicant's Email Address (Required from either applicant or agent):				8. Agent's Email Address: seaphantom@juno.com (Betsy)									
9. Location of Activity: (Nearest Road, Street, Rt.#)		0 Tondreau Point Rd		10. Town:		Harpswell							
				11. County:		Cumberland							
12. Type of Resource: (Check all that apply)		<input type="checkbox"/> River, stream or brook <input type="checkbox"/> Great Pond <input type="checkbox"/> Coastal Wetland <input type="checkbox"/> Freshwater Wetland <input type="checkbox"/> Wetland Special Significance <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain		13. Name of Resource:		Orr's Cove							
				14. Amount of Impact: (Sq.Ft.)		Fill: 444							
15. Type of Wetland: (Check all that apply)		<input type="checkbox"/> Forested <input type="checkbox"/> Scrub Shrub <input type="checkbox"/> Emergent <input type="checkbox"/> Wet Meadow <input type="checkbox"/> Peatland <input type="checkbox"/> Open Water <input type="checkbox"/> Other _____		FOR FRESHWATER WETLANDS <table border="1"> <thead> <tr> <th>Tier 1</th> <th>Tier 2</th> <th>Tier 3</th> </tr> </thead> <tbody> <tr> <td> <input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input checked="" type="checkbox"/> 10,000-14,999 sq ft </td> <td> <input type="checkbox"/> 15,000 - 43,560 sq. ft. </td> <td> <input type="checkbox"/> > 43,560 sq. ft. or smaller than 43,560 sq. ft., not eligible for Tier 1 </td> </tr> </tbody> </table>				Tier 1	Tier 2	Tier 3	<input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input checked="" type="checkbox"/> 10,000-14,999 sq ft	<input type="checkbox"/> 15,000 - 43,560 sq. ft.	<input type="checkbox"/> > 43,560 sq. ft. or smaller than 43,560 sq. ft., not eligible for Tier 1
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16. Brief Activity Description:		Proposed construction of 4'x10' stairs, a 6'x16' fixed dock, 3'x36' ramp and a 12'x20' float with moorings.											
17. Size of Lot or Parcel & UTM Locations:		<input type="checkbox"/> _____ square feet, or <input checked="" type="checkbox"/> 1.4 acres		UTM Northing: _____ UTM Easting: _____									
18. Title, Right or Interest:		<input checked="" type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input type="checkbox"/> written agreement											
19. Deed Reference Numbers:		Book#: _____ Page: _____		20. Map and Lot Numbers:		Map #: 48 Lot #: 72-1							
21. DEP Staff Previously Contacted:		N/A		22. Part of a larger project:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							
23. Resubmission of Application?:		<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No		If yes, previous application # _____		Previous project manager: _____							
24. Written Notice of Violation?:		<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No		If yes, name of DEP enforcement staff involved: _____		25. Previous Wetland Alteration: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							
26. Detailed Directions to the Project Site:		p/u Rte 24S for 4.8 miles. Turn left onto Tondreau's Point Rd. Project will be on the right.											
27. TIER 1		TIER 2/3 AND INDIVIDUAL PERMITS											
<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Narrative Project Description <input type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input type="checkbox"/> Photos of Area <input type="checkbox"/> Statement of Avoidance & Minimization <input type="checkbox"/> Statement/Copy of cover letter to MHPC		<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the information listed under Site Conditions <input type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized		<input type="checkbox"/> Erosion Control/Construction Plan <input type="checkbox"/> Functional Assessment (Attachment 3), if required <input type="checkbox"/> Compensation Plan (Attachment 4), if required <input type="checkbox"/> Appendix A and others, if required <input type="checkbox"/> Statement/Copy of cover letter to MHPC <input type="checkbox"/> Description of Previously Mined Peatland, if required									
28. FEES Amount Enclosed:													

CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2

IMPORTANT: IF THE SIGNATURE BELOW IS NOT THE APPLICANT'S SIGNATURE, ATTACH LETTER OF AGENT AUTHORIZATION SIGNED BY THE APPLICANT.

By signing below the applicant (or authorized agent), certifies that he or she has read and understood the following :

DEP SIGNATORY REQUIREMENT

PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor a permit be issued.

CORPS SIGNATORY REQUIREMENT

USC Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry shall be fined not more than \$10,000 or imprisoned not more than five years or both. I authorize the Corps to enter the property that is subject to this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein.

DEP SIGNATORY REQUIREMENT

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Further, I hereby authorize the DEP to send me an electronically signed decision on the license I am applying for with this application by emailing the decision to the address located on the front page of this application (see #4 for the applicant and #8 for the agent)."

Betsy Darling Digitally signed by Betsy Darling
Date: 2021.11.17 22:53:23 -05'00'

Date: **11/15/21**

SIGNATURE OF AGENT/APPLICANT

NOTE: Any changes in activity plans must be submitted to the DEP and the Corps in writing and must be approved by both agencies prior to implementation. Failure to do so may result in enforcement action and/or the removal of the unapproved changes to the activity.